RECEIVED CENTRAL FAX CENTER

OCT 2 4 2005

MARTIN & FERRARO, LLP 1557 Lake O'Pines Street, NE Hartville, Ohio 44632

Telephone (330) 877-0700

Facsimile (330) 877-2030

FACSIMILE TRANSMITTAL

TO:

FROM:

Name: Mail Stop AMENDMENT

Name:

Thomas H. Martin, Esq.

Group Art Unit 3738/Examiner Thomas Barrett

Firm: U.S. Patent & Trademark Office

Phone No.: 330-877-2277

Fax No.: 571-273-8300

No. of Pages (including this): 4

Subject: U.S. Patent Application No. 10/669,287

Date:

October 24, 2005

Gary Karlin Michelson Filed: September 24, 2003

EXPANDABLE PUSH-IN ARCUA'TE INTERBODY SPINAL FUSION IMPLANT WITH TAPERED

CONFIGURATION DURING INSERTION

Attorney Docket No. 101.0092-02000

Customer No. 22882 Confirmation No.: 6591 Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement and Form PTO 1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on October 24, 2005.

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

3308772030

T-333 P.002/004 F-871

RECEIVED CENTRAL FAX CENTER

OCT 24 2005

PATENT Attorney Docket No. 101.0092-02000 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Confirmation No.: 6591
Gary Karlin Michelson)	
Serial No.: 10/669,287)	Group Art Unit: 3738
Filed: September 24, 2003	Examiner: Thomas Barrett
For: EXPANDABLE PUSH-IN ARCUATE)	
INTERBODY SPINAL FUSION)	
IMPLANT WITH TAPERED)	
CONFIGURATION DURING)	
INSERTION)	

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068,

Respectfully submitted,

MARTIN & FERRARO, LLP

3308772030

Date: October 24, 2005

Thomas H. Martin Registration No. 34,383

1557 Lake O'Pines Street, NE Hartville, Ohio 44632

Telephone: (330) 877-0700 Facsimile: (330) 877-2030

RECEIVED CENTRAL FAX CENTER

OMB 0651-0031

OCT 2 4 2005

Substitute for FORM PTO-1449		Attorney Docket Number 101.0092-02000		Customer No. 22882					
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary Karlin Michelson		Application Number 10/669,287					
	(Use several sheets if necessary)		Filing Date		Group Art Unit Exam		Examiner		
	Sheet <u>1</u> of <u>1</u>		September 24, 2003		3738		T. Barrett		
U.S. PATENT DOCUMENTS									
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
	6,454,806	9/2002	Cohen et al.					· · · · · · · · · · · · · · · · · · ·	
			<u> </u>						
	<u> </u>		+		<u> </u>		<u> </u>		
	 		 		 		ļ	· · · · · · · · · · · · · · · · · · ·	
		FOREIGN	DATE	AT DOCUMENTS					
	FOREIGN PATENT DOCUMENTS DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS TRANSLATION								
	DOCUMENT NUMBER	DATE	COUNTRY		CLASS	SUBCLASS	(YES/NO)		
:	<u> </u>		<u> </u>						
			<u> </u>						
			 				<u> </u>		
			 						
			 				ļ		
	OTHER DOCL	INCHTS (Includ	ina Aust	har Title Onto Bostine		<u> </u>		•	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)									
								··	
						,,,,			
EXAMINER	INER DATE CONSIDERED								
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.									

Form PTO 1449 10-21-05.doc PTO/SB/ 08 (10-92)

Page 1 of 1

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE